

POLICY BULLETIN

CHILD NUTRITION PROGRAMS

SFSP 04-06

July 7, 2006

SUBJECT: Summer Food Service Program Questions and Answers

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For your information the following is a list of policy Q & As on the SFSP compiled based on questions raised by State Agencies?

APPLICATIONS FOR SPONSOR/SITE

- APP 21 Q. Is the information given on the Fairdata2000 website (www.fairdata2000.com) sufficient for use for area of need in the SFSP?
- A. Our National Office researched the functionality of the mapping software www.Fairdata2000.com for both the CACFP and SFSP and found that the site may be useful in locating pockets of poverty at the Census Block Group level. The following guidelines should be used when accessing the site:
- A limited review of the Census data suggests the information to be accurate. However, the site uses a range of percentages that may be somewhat confusing. The range of "40%-50%" is really 40%-49.9%. The range "50%-60%" starts at 50.0%.
 - When making eligibility determinations, be sure to confirm the accuracy of the www.Fairdata2000.com map with the Census data provided in prior correspondence by cross referencing the Census Tract Code and the Census Block Group Code.
 - The Census block group number is displayed on the map for each locale. Due to the limitation of space on the map, only the Census Tract Code (6-digit number) and the Census Block Group Code (1-digit number) is displayed.
 - The site does provide sufficiently precise boundary information to effectively label each street name. However, some larger rural Census block groups may not display all street names. This is also a limitation of the American FactFinder webpage on the Census.gov website.

Although the National Office thought the website's mapping capability may be useful, this should not be construed as an endorsement of the website. State and local agencies

need to have a graphic tool to locate sites, and the National Office believes this website may be of some use to them.

- APP 22 Q. Must a SA deny a sponsor's participation in the SFSP because of ongoing outstanding amounts owed for commodities?

- A. Yes. 7 CFR 225.11(c) indicates that a SA shall not enter into an agreement with an applicant sponsor who is seriously deficient in its operation, and 7 CFR 225.18(b)(2) indicates a SA shall terminate a sponsor's participation in the Program by written notice whenever it is determined by the SA that the sponsor has failed to comply with the conditions of the Program.

CIVIL RIGHTS

- CR 12 Q. What should a SA do if some of the items that are in the new FNS Instruction 113-1 are not contained in this year's Administrative Guidance for Sponsors?
- A. SAs should ensure all items in the Instruction are implemented for the SFSP. Because Appendix B of the Instruction is Program-specific, it should be followed closely.
- CR 13 Q. Must a SA use the complaint process/form contained in the Instruction or may they use their own form?
- A. If a SA has a complaint process in place, they should ensure it meets all the requirements as set forth in the Instruction. If the SA has developed its own form, use of that form may not be a prerequisite for acceptance of a complaint. Use of the sample form in the Instruction (which is lengthy) ensures all possible information is available when investigating a complaint; however, the form could be less spacious for answers and could be worded to reflect local terminology/understanding. Use of a SA form that is shorter, but advertising that the full version is also available, is permissible.
- CR 14 Q. Should sponsor training be conducted on the new Instruction for those operating the SFSP?
- A. Yes.
- CR 15 Q. Should the sponsor have the "And Justice for All" poster posted in their office?
- A. Yes, because a participant may appear at their location (FNS Instruction 113-1, Section IX – Public Notification, B, 1, page 15).
- B.

COSTS

- CST 40 Q. May SFSP funds be used to purchase inexpensive 5-A-Day T-shirts that would be given to students enrolled in a summer school?
- A. No. This question is similar to CST 37 where it says costs must be necessary and reasonable for proper and efficient administration of the Program. Allowable administrative costs are costs necessary for planning, organizing and managing a food service under the Program. T-shirts would not be a necessary component for administering the SFSP meals.
- CST 41 Q. May a school use SFSP funds to offer cash awards to children who eat both breakfast and lunch for a number of days during the SFSP?
- A. No. This question is similar to CST 37 and 40. Cash awards could be considered amusements (see FNS Instruction 796-4, Revision 4 dated 04-14-94, Section D, 5, page 14) and are not necessary and reasonable for operating the Program.

MEAL SERVICE

- MS 37 Q. If a school is participating under the traditional SFSP, may it offer ala carte foods for sale?

- A. No. 7 CFR 225.6(e)(4) states the sponsor must agree in writing to serve meals without cost to all children; 7 CFR 225.6(h)(3) says school food authorities contracting to prepare SFSP meals must provide unitized meals; 7 CFR 225.6(e)(2) states that sponsors must offer the same meal to all children, and finally, 7 CFR 225.2 – Definitions – states income accruing to the Program means food sales to adults. The intent of the SFSP is to offer free meals to children. Introducing ala carte sales could keep a child from participating if he perceived that he had to have money to buy extra items like other children might do and not having that money could keep the child from coming to the site and participating. This is different from a school setting where meals are not all served free, and there is an exchange of tickets/tokens, and reimbursable meals may be available on an ala carte line.

MS 38 Q. Is it permissible for a school that uses the NSMP option and that normally analyzes based on K-6 and 7-12 age groups to add another customized age/grade group that would encompass much younger children such as 1-year olds.

- A. For SMI purposes in the NSLP, no analysis is required for children under preschool age. For the SFSP, a school could analyze that age/grade group for informational purposes provided the software could accommodate the customization.

MEDIA

MED 5 Q. Is the sample news release as displayed in Attachment 12 of the 2006 Administrative Guidance for Sponsors available in Spanish?

- A. No. SA's could contact other States with large Spanish populations, such as Texas, California, or Florida for a Spanish version or have it translated. Cost for translation should be minimal because the release is not lengthy.

PROCUREMENT

PRO 24 Q. May an amendment be made to an existing FSMC contract that expires on June 30th to allow meal service to continue into July because a new contract will not be in place by July 1st?

- A. If State procurement rules allow for amendments (or extensions) to existing contracts, and those rules do not conflict with Federal law, this is an acceptable procedure..

REIMBURSEMENT

RMB 22 Q. Must a school SFSP sponsor that prepares its own meals abide by the ADA they list in their site application, and would any meals over the approved meal level be disallowed?

- A. If the school SFSP sponsor is a self-preparation facility, it may claim meals in excess of its ADA and approved meal level without the SA taking an overclaim for extra meals. The SA may wish to amend the application to document approval of additional ADA. If the school SFSP sponsor contract is vended (has a contract with either a FSMC or receives meals from a SFA), meals in excess of approved ADA are not reimbursable.

SPONSOR OR SITE ELIGIBILITY

SSE 72 Q. Should a school that is holding an "institute" that is for enrichment rather than school credit be on as a NSLP site or should it be a SFSP site?

- A. It would be a SFSP site.

SSE 73 This Q & A has been issued previously in SFSP-525.

SSE 74 Q. May a site on a military base be classified as an open site even though there are a few

restrictions such as having to go through security, be accompanied by an adult, and be supervised when meals are served?

- A. Yes, an open site is preferred so that those who live on post have the ability to bring a playmate of their child or a grandchild to the site to be fed.

SSE 75 Q. If two schools consolidate and one was a part of the SFSP last year but one wasn't, would the consolidated schools' program be considered new to SFSP?

- A. If one of the two schools is in its first year of operation and has new staff that is unfamiliar with the SFSP, the consolidated schools should be considered new to SFSP.

SSE 76 Q. A school has a period of time (1.5 weeks) when some students (elementary) begin

summer vacation while others (high school) are still in school. Should the school serve the elementary students through the NSLP or must they begin the SFSP for them?

- A. The elementary students may not be claimed during the summer vacation on the NSLP because they are no longer enrolled in school; the school would have to begin a SFSP for them in order for their meals to be claimed.

SPONSOR RESPONSIBILITIES

SR11 Q. A sponsor has submitted a free/reduced price meal application that they want to use, and it is missing some items that are in the SA's prototype, for example, racial ethnic data, determination of eligibility status, and determining official's signature. Does the application the sponsor wants to use have to contain these items?

- A. Sponsors are required to collect racial ethnic data and retain it in their files. This data collection can be accomplished by using observer identification (visual) or self-identification/self-reporting, including an online system. (FNS Instruction 113-1, Section XII – Data Collection and Reporting – A, 1-3, pages 17 and 18.) While a SA may be most comfortable having this information collected on the prototype application, as indicated above, other methods may be employed by the sponsor.

Determination information is required for review purposes, and the determining official's signature means the information has been reviewed for completeness and is valid.

STATE AGENCY REQUIREMENTS

SAR 3 Q. May a SA put policies for its sponsors on its website rather than send them out in paper version?

- A. If the SA provides training on web access, sends notification that a new policy has been posted, and provides paper copies to those sponsors that may not have web access, this would be acceptable.